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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)
14)
Plaintiff,)
15)
v.)
16)
PAVEL LAZARENKO,)
17)
Defendant.)
18)
19)
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21)
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CASE NO. 00-CR-00284 CRB

APPLICATION OF THE UNITED
STATES FOR ENTRY OF THE
FINAL ORDER OF FORFEITURE

1 On July 25, 2013, this Court entered a Preliminary Order of Forfeiture forfeiting 100 Orbitz Lane
2 and adjacent parcels (as described in the legal description attached as Exhibit A) in Novato, California
3 (hereafter "100 Orbitz Lane") pursuant to Federal Rule of Criminal Procedure 32.2(e)(1)(A) because it
4 was purchased on or about August 31, 1998, with laundered money in the form of a check for
5 \$6,745,000 drawn on the account of Dugsbery Inc., at the WestAmerica Bank. *See* Preliminary Order of
6 Forfeiture, entered July 25, 2013. The purchase is the financial transaction underlying defendant
7 Lazarenko's conviction on Count Seven of the Second Superseding Indictment for money laundering.
8 *See* Second Superseding Indictment, filed July 19, 2001; Amended Judgment, filed February 4, 2010.

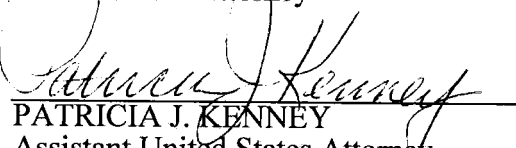
9 The United States has complied with the publication notice requirements of the Preliminary
10 Order of Forfeiture to give general notice. *Id.*; Declaration of Publication, filed August 27, 2013. The
11 notice advised potential third parties of their right to petition the Court within thirty (30) days for a
12 hearing to adjudicate the validity of any right, title or interest in 100 Orbitz Lane. The United States
13 also gave direct notice to the owner of record, Dugsbery, Inc., by sending the notice to its Registered
14 Agent, Yury Lyublin. *See* Certificate of Service, filed July 23, 2013. No one, however, has appeared
15 and timely filed a petition to commence an ancillary proceeding by asserting any right, title or interest in
16 100 Orbitz Lane. *See* Docket Sheet.

17 Accordingly, the United States respectfully requests the Court enter its proposed Final Order of
18 Forfeiture, filed herewith, directing that 100 Orbitz Lane be forfeited to the United States pursuant to
19 Federal Rule of Criminal Procedure 32.2(e)(1)(A).

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21 Respectfully submitted,

22 MELINDA HAAG
23 United States Attorney

24 Dated: October 2, 2013

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26 PATRICIA J. KENNEY
27 Assistant United States Attorney
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EXHIBIT A
(legal description of
100 Obertz Lane, Novato
California, and adjacent
parcels)

DESCRIPTION

All that certain real property situate in the City of Novato, County of Marin, State of California, described as follows:

PARCEL ONE:

PARCEL 440, as shown upon that certain parcel map entitled, "Parcel Map of Subdivision of Lots 435, 436, 437 & 438, Marin Golf and Country Club Estates Unit No. 7", filed for record October 5, 1978 in Book 15 of Parcel Maps, at Page 72, Marin County Records.

EXCEPTING THEREFROM the following described parcel:

THAT portion of the lands of Charles R. and Sun P. Stephens as to a 96% interest and Michael Brian Stephens as to a 4% interest as described by Deed recorded under Document Number 93-112189 being a portion of Lot 440 as shown on that certain Parcel Map recorded in Book 15 of Parcel Maps, at Page 72, Marin County Records, being more particularly described as follows:

BEGINNING at the Southeasterly corner of said Lot 440 witnessed by a found 3/4" Iron Pipe tagged R.C.E. 11629; thence South 75° 40' 46" West 454.36 feet (South 75° 44' 00" West 454.49 feet) to the Southwesterly corner of Lot 440, witnessed by a found 3/4" Iron Pipe tagged R.C.E. 11629; thence along the Westerly line of Lot 440 North 22° 27' 32" West (North 22° 24' 05" West) 60.00 feet to a set 3/4" Iron Pipe; thence parallel with the Southerly line of Lot 440 North 75° 40' 46" East 437.69 feet to a set 3/4" Iron Pipe on the Easterly line of Lot 440; thence South 37° 16' 42" East 64.51 feet (South 37° 11' 00" East 64.53 feet) to the Southeasterly corner of Lot 440 and being the point of beginning.

BEARINGS are based on found street monuments of said 15 Parcel Map 72, having a radius of 105.00 feet, a central angle of 190° 57' 00", an arc length of 349.93 feet, bearing North 88° 50' 30" East 209.04 feet. All set 3/4" Iron Pipes are tagged L.S. 5970.

PARCEL TWO:

LOT 434, as shown upon that certain map entitled, "Map of Marin Golf and Country Club Estates Unit No. 7, City of Novato, County of Marin, State of California", filed for record April 13, 1977 in Volume 16 of Maps, at Page 92, Marin County Records.

EXCEPTING THEREFROM the following described parcel:

THAT portion of the lands of Charles R. and Sun P. Stephens as to a 96% interest and Michael Brian Stephens as to a 4% interest as described by Deed recorded under Document Number 93-112189 being a portion of Lot 434 as shown on that certain Record Map recorded in Book 16 of Maps, at Page 92, Marin County Records, being more particularly described as follows:

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COMMENCING at the Northwestern corner of Lot 439 and being the most Easterly corner of Lot 434 of said 16 Maps 92 witnessed by a found 3/4" Iron Pipe tagged R.C.E. 11629; thence along the line of Lot 434 North 88° 20' 55" West 170.00 feet to a found 3/4" Iron Pipe tagged R.C.E. 11629 being the true point of beginning; thence South 62° 24' 01" West 287.72 feet to the common corner of Lots 433, 434 and 435 of said 16 Maps 92; thence along the Westerly line of said Lot 434, North 51° 18' 30" West 233.39 feet to the Northwestern corner of said Lot 434 being a point on the Southerly right-of-way of Burning Tree Drive, also being a point on a curve concave to the Southeast, having a radius of 280.00 feet and a central angle of 15° 58' 30"; a radial line through which bears North 51° 18' 30" West; thence continuing Northeasterly along said curve and said Southerly right-of-way of Burning Tree Drive 78.07 feet to a point of reverse curve, concave to the Northwest having a radius of 160.00 feet and a central angle of 23° 10' 00"; thence Northeasterly along said curve 64.69 feet to a point of reverse curve, concave to the Southeast having a radius of 100.00 feet and a central angle of 52° 00' 00"; thence Northeasterly along said curve 90.76 feet to a point of reverse curve, concave to the Northwest having a radius of 160.00 feet and a central angle of 59° 19' 00"; thence Northeasterly along said curve 165.64 feet to a point of reverse curve, concave to the Southeast having a radius of 60.00 feet and a central angle of 54° 44' 02"; thence Northeasterly along said curve 57.32 feet to the Northeasterly corner of said Lot 434, a radial line through which bears North 11° 04' 56" West, witnessed by a found 3/4" Iron Pipe tagged R.C.E. 11629; thence leaving said Southerly right-of-way of Burning Tree Drive along the Easterly line of said Lot 434 the following courses South 11° 04' 56" East 140.00 feet to a found 3/4" Iron Pipe tagged R.C.E. 11629; thence South 23° 17' 34" East 163.71 feet to a found 3/4" Iron Pipe tagged R.C.E. 11629 and being the true point of beginning.

BEARINGS are based on found street monuments of said 16 Maps 92, having a radius of 105.00 feet, a central angle of 190° 57' 00", an arc length of 349.93 feet, bearing North 88° 50' 30" East 209.04 feet.

PARCEL THREE:

THAT PORTION of Marin County Open Space District lands as described by Deed recorded under Document Number 87-56606 and that portion of Marin County Open Space District lands as described by Deed recorded under Document Number 95-043609 being a portion of Lot 439 as shown on Map of Marin Golf and Country Club Estates Unit No. 7, recorded in Volume 16 of Maps, at Page 92, Marin County Records, being more particularly described as follows:

COMMENCING at the Northeasterly corner of said Lot 439, said point witnessed by a set 3/4" iron pipe; thence North 50° 23' 44" East 55.00 feet to the Southwesterly right-of-way of Burning Tree Drive, witnessed by a set 3/4" iron pipe on a curve concave to the North, having a radius of 125.00 feet and a central angle of 123° 46' 09", a radial line through which bears North 81° 59' 27" East being the true point of beginning; thence Southeasterly 270.04 feet along said curve and said Southerly right-of-way of Burning Tree Drive to a set 3/4" iron pipe; thence leaving said right-of-way South 28° 53' 06" West 24.57 feet to a set 3/4" iron pipe; thence South 22° 11' 36" West 45.26 feet to a set 3/4" iron pipe; thence South 49° 02' 12" East 26.93 feet to a set 3/4" iron pipe; thence North 54° 04' 43" East 70.91 feet to a set 3/4" iron pipe; thence South 74° 04' 50" East 62.38 feet to a set 3/4" iron pipe; thence South 40° 16' 27" East 70.47 feet to a set 3/4" iron pipe; thence South 63° 46' 32" East 70.69 feet to a set 3/4" iron pipe; thence South 58° 17' 04" East 39.13 feet to a set 3/4" iron pipe; thence South 32° 45' 23" East 55.12 feet to a set 3/4" iron pipe; thence South 03° 29' 54" East 30.35 feet to a set 3/4" iron pipe; thence South 61° 35' 45" West 105.66 feet to a set 3/4" iron pipe; thence South 73° 03' 40" West 71.20 feet to a set 3/4"

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iron pipe; thence South 52° 54' 41" West 54.81 feet to a set 3/4" iron pipe; thence South 30° 20' 41" West 170.44 feet to a set 3/4" iron pipe; thence South 54° 42' 03" West 103.61 feet to a set 3/4" iron pipe; thence South 59° 23' 06" West 56.94 feet to a set 3/4" iron pipe; thence South 29° 08' 30" West 122.87 feet to a set 3/4" iron pipe; thence South 38° 23' 40" West 44.93 feet to a set 3/4" iron pipe; thence South 67° 32' 58" West 86.88 feet to a set 3/4" iron pipe; thence North 28° 33' 57" West 237.93 feet to a set 3/4" iron pipe; thence North 11° 08' 36" East 289.34 feet to a set 3/4" iron pipe; thence North 06° 38' 17" West 224.22 feet to a found 3/4" iron pipe tagged R.C.E. 11629 marking the Northwest corner of said Lot 439 and being the most Easterly corner of Lot 434 of said 16 Maps 92; thence along the Northerly line of Lot 439 North 64° 30' 00" East 124.97 feet; thence along the Northerly line of Lot 439 North 50° 23' 44" East 40.62 feet to a set 3/4" iron pipe marking the Northeasterly corner of Lot 439; thence continuing North 50° 23' 44" East 55.00 feet to a set 3/4" iron pipe marking the true point of beginning.

BEARINGS are based on found street monuments of said 16 Maps 92, having a radius of 105.00 feet, a central angle of 190° 57' 00", an arc length of 349.93 feet, bearing North 88° 50' 30" East 209.04 feet. All set 3/4" iron pipes are tagged L.S. 5970.

PARCEL FOUR:

THAT portion of Marin County Open Space District lands as described by Deed recorded under Document Number 95-043609 being a portion of Lot 439 as shown on Map of Marin Golf & Country Club Estates Unit No. 7, recorded in Volume 16 of Maps at Page 92, Marin County Records, being more particularly described as follows:

BEGINNING at the Northwesterly corner of said Lot 439 and being the most Easterly corner of Lot 434 of said 16 Maps 92 witnessed by a found 3/4" iron pipe tagged R.C.E. 11629; thence along the Westerly line of Lot 439 the following courses South 31° 54' 53" West 105.56 feet to a found 3/4" iron pipe tagged Marin County Surveyor; thence South 10° 19' 02" East 79.75 feet to a point on a curve concave to the Southeast having a radius of 36.00 feet and a central angle of 137° 14' 22"; thence Westerly and Southerly 86.23 feet along said curve to a point of reverse curve, concave to the West having a radius of 54.00 feet and a central angle of 58° 49' 25"; thence Southerly 55.44 feet along said curve to a point of reverse curve, concave to the East having a radius of 95.00 feet and a central angle of 10° 09' 48"; thence Southerly 16.85 feet along said curve; thence South 10° 38' 00" West 142.50 feet to the beginning of a curve concave to the East having a radius of 115.00 feet and a central angle of 47° 49' 00"; thence Southerly 95.97 feet along said curve; thence South 37° 16' 42" East (South 37° 11' 00" East) 267.55 feet to a set 3/4" iron pipe, said point witnessed by a found 3/4" iron pipe tagged R.C.E. 11629 at the Southwest corner of Lot 439 bearing South 37° 16' 42" East 64.51 feet (South 37° 11' 00" East 64.53 feet); thence leaving the Westerly line of Lot 439 North 02° 53' 03" West 22.55 feet to a set 3/4" iron pipe; thence North 28° 33' 57" West 237.93 feet to a set 3/4" iron pipe; thence North 11° 08' 36" East 289.34 feet to a set 3/4" iron pipe; thence North 06° 38' 17" West 224.22 feet to the point of beginning.

BEARINGS are based on found street monuments of said 16 Maps 92, having a radius of 105.00 feet, a central angle of 190° 57' 00", an arc length of 349.93 feet, bearing North 88° 50' 30" East 209.04 feet. All set 3/4" iron pipes are tagged L.S. 5970.

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PARCEL FIVE:

THAT portion of the lands of Charles R. and Sun P. Stephens as to a 96% interest and Michael Brian Stephens as to a 4% interest as described by Deed recorded under Document Number 93-112189 being a portion of Lot 434 as shown on that certain Record Map recorded in Book 16 of Maps, at Page 92, Marin County Records, being more particularly described as follows:

COMMENCING at the Northwestern corner of Lot 439 and being the most Easterly corner of Lot 434 of said 16 Maps 92 witnessed by a found 3/4" Iron Pipe tagged R.C.E. 11629; thence along the line of Lot 434 North 88° 20' 55" West 170.00 feet to a found 3/4" Iron Pipe tagged R.C.E. 11629 being the true point of beginning; thence South 62° 24' 01" West 287.72 feet to the common corner of Lots 433, 434 and 435 of said 16 Maps 92; thence along the Westerly line of said Lot 434, North 51° 18' 30" West 233.39 feet to the Northwestern corner of said Lot 434 being a point on the Southerly right-of-way of Burning Tree Drive, also being a point on a curve concave to the Southeast, having a radius of 280.00 feet and a central angle of 15° 58' 30"; a radial line through which bears North 51° 18' 30" West; thence continuing Northeasterly along said curve and said Southerly right-of-way of Burning Tree Drive 78.07 feet to a point of reverse curve, concave to the Northwest having a radius of 160.00 feet and a central angle of 23° 10' 00"; thence Northeasterly along said curve 64.69 feet to a point of reverse curve, concave to the Southeast having a radius of 100.00 feet and a central angle of 52° 00' 00"; thence Northeasterly along said curve 90.76 feet to a point of reverse curve, concave to the Northwest having a radius of 160.00 feet and a central angle of 59° 19' 00"; thence Northeasterly along said curve 165.64 feet to a point of reverse curve, concave to the Southeast having a radius of 60.00 feet and a central angle of 54° 44' 02"; thence Northeasterly along said curve 57.32 feet to the Northeasterly corner of said Lot 434, a radial line through which bears North 11° 04' 56" West, witnessed by a found 3/4" Iron Pipe tagged R.C.E. 11629; thence leaving said Southerly right-of-way of Burning Tree Drive along the Easterly line of said Lot 434 the following courses South 11° 04' 56" East 140.00 feet to a found 3/4" Iron Pipe tagged R.C.E. 11629; thence South 23° 17' 34" East 163.71 feet to a found 3/4" Iron Pipe tagged R.C.E. 11629 and being the true point of beginning.

BEARINGS are based on found street monuments of said 16 Maps 92, having a radius of 105.00 feet, a central angle of 190° 57' 00", an arc length of 349.93 feet, bearing North 88° 50' 30" East 209.04 feet.

EXCEPTING THEREFROM all that portion as described in the Deed from Stephens Properties, Inc., to Kurt Petrie, et al, as Trustees recorded March 18, 1998 as Recorder's Serial No. 98-016835, Marin County Records, described as follows:

COMMENCING at the Northeasterly corner of said Lot 434 said point witnessed by a found 3/4" Iron Pipe tagged R.C.E. 11629; thence along the Easterly line of said Lot 434 South 11° 04' 55" East 140.00 feet to an angle point witnessed by a found 3/4" Iron Pipe tagged R.C.E. 11629 said point being the True Point of Beginning; thence South 18° 31' 05" West 125.55 feet to a set 3/4" Iron Pipe tagged L.S. 5970; thence South 73° 20' 02" East 109.20 feet to a found 3/4" Iron Pipe tagged R.C.E. 11629 marking an angle point in the Easterly line of said Lot 434; thence along the Easterly line of said Lot 434 North 23° 17' 43" West 163.71 feet to the True Point of Beginning.